

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Sims Metal East, LLC
Licensee of KNEM713
Jersey City, NJ
File Number: EB-08-NY-0140
NAL/Acct. No: 200932380001
FRN: 0018877530

FORFEITURE ORDER

Adopted: July 24, 2009

Released: July 28, 2009

By the Regional Director, Northeast Region, Enforcement Bureau:

1. In this Forfeiture Order ("Order"), we issue a monetary forfeiture in the amount of four thousand dollars (\$4,000) to Sims Metal East, LLC ("Sims"), the licensee of private land mobile station KNEM713, in Jersey City, NJ, for willfully and repeatedly violating Section 1.903(a) of the Commission's Rules ("Rules")¹ by operating a mobile relay station and mobile units on unauthorized frequencies.

2. On October 3, 2008, the Enforcement Bureau's New York Office issued a Notice of Apparent Liability for Forfeiture ("NAL") in the amount of \$4,000 to Sims for operating mobile units and a mobile relay station on the unauthorized frequencies 469.4 MHz and 464.4 MHz respectively.² Despite evidence that Sims received the NAL, Sims has not filed a response to the NAL. Based on the information before us, we affirm the forfeiture.

3. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 503(b) of the Act,³ and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission's Rules,⁴ Sims Metal East, LLC, IS LIABLE FOR A MONETARY FORFEITURE in the amount of \$4,000 for willfully and repeatedly violating Section 1.903(a) of the Rules.⁵

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁶ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN

1 47 C.F.R. § 1.903(a).

2 Notice of Apparent Liability for Forfeiture, NAL/Acct. No. 2008 (Enf. Bur., Northeast Region, New York Office, released October 3, 2008).

3 47 U.S.C. § 503(b).

4 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

5 47 C.F.R. § 1.903(a).

6 47 U.S.C. § 504(a).

Number referenced above.⁷ Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures. Sims Metal East, LLC, shall also send electronic notification on the date said payment is made to NER-Response@fcc.gov.

5. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Sims Metal East, LLC at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

G. Michael Moffitt
Regional Director, Northeast Region
Enforcement Bureau

⁷ The above-captioned FRN was assigned to Sims Metal East, LLC on June 18, 2009. The FRN cited in the *NAL* is assigned to Sims Hugo Neu, the prior licensee of private land mobile station KNEM713.